

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CV 6772

Jorge Luis Rivera Rodriguez

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Carlos Gonzalez

Jury Trial: ☐ Yes ☐ No
(check one)



(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Jorge Luis Rivera Rodriguez
Street Address 6013 Barretto
County, City Bronx, NY
State & Zip Code 10474
Telephone Number (646) 243-0546

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name CARLOS GONZALEZ
Street Address 380 Lexington Avenue 17th A.
County, City New York NY
State & Zip Code 10168
Telephone Number 212 - 406 - 2234

Defendant No. 2

Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Defendant No. 3

Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Defendant No. 4

Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

FORGIVEN why I haven't recieved my money, when the Judge signed the order?

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? JFK Airport (ny)

B. What date and approximate time did the events giving rise to your claim(s) occur? may 2, 2011 @ 1:00 pm (about)

C. Facts: I was traveling with 20 thousand dollars and they were inspecting everyone that day and from 20 thousand there was 15 thousand in money orders and the rest was in cash (DEA) took the money and that they told me that I can claim the money back so I did I still traveled that day without the money when I came back I claimed the money through a lawyer named Carlos Gonzalez. They investigated me and found nothing against me. my lawyer found an agreement with the fiscal where they supposedly were going to give me a certain amt of money by the end of January of 2012 and sense today 9/4/12 I have not recieved anything, there's no response from my lawyer

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

n/a

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I would like for a court trail with my lawyer CARLOS GONZALEZ and the fiscal and Anthony Leuro sense the lawyer CARLOS GONZALEZ tells me that they don't give him a response. It's been a couple of months where I don't have any type of communication with him only through his assistants. And when I do reach him he always states the something no response yet when I know that he's lying due to advice from other lawyers. And when I come and told him about other lawyers comments toward the case he has no answers and if he does answer me he tells me that the fiscal never tells him a response. I need my money urgent please.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4 day of September 2012

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

7/1 P.F.A.
613 Bayview St.
Brooklyn, NY 10474

(646)-243-0546

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____

SLR:LDM:TYH
2011V01283

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA ,

Plaintiff,

STIPULATION OF SETTLEMENT

- against -

Civil Action No.
11-CV-5194 (BMC)

THREE THOUSAND SIX HUNDRED
DOLLARS (\$3,600.00) MORE OR LESS,
IN UNITED STATES CURRENCY
SEIZED ON MAY 2, 2011

SIXTEEN U.S. POSTAL
MONEY ORDERS VALUED AT
FIFTEEN THOUSAND FIVE
HUNDRED DOLLARS (\$15,500.00)
SEIZED ON MAY 2, 2011 AND ALL
PROCEEDS TRACEABLE THERETO,

Defendants In Rem.

- - - - - X

WHEREAS, on or about October 25, 2011, upon the filing
of a verified complaint in rem, the United States District Court
for the Eastern District of New York issued a warrant for the
arrest of articles in rem, finding probable cause to believe that
the above-referenced defendants in rem \$3,600.00 in United States
currency and sixteen U.S. Postal Money Orders (the "Defendant
Funds") were subject to seizure and forfeiture to the United
States pursuant to 18 U.S.C. § 981(a)(1)(A), 31 U.S.C. § 5317,

Stipulation of Settlement
United States v. \$3,600, et al., 11-CV-5194 (BMC)

and 21 U.S.C. § 881(a)(6)(c); and

WHEREAS, Jorge L. Rivera Rodriguez (the "Claimant") has represented that he has an ownership interest in the Defendant Funds;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties as follows:

1. Claimant represents that he is the sole owner of the Defendant Funds.

2. In his capacity as sole owner of the Defendant Funds, Claimant is authorized to execute this and all other documents necessary to effectuate the settlement of this action with respect to the Defendant Funds.

3. Upon entry of a Decree of Forfeiture and Order of Delivery, the completion of publication, and provided that no other person or entity files any claims to the Defendant Funds, the United States agrees to return to the Claimant the sum of \$15,280.

4. In consideration of the foregoing, Claimant agrees to forfeit to the United States, pursuant to 21 U.S.C. § 881(a)(6), the remaining \$3,820.00, plus any and all interest accrued on the Defendant Funds from the date they were seized (the "Forfeited Funds").

5. The United States and the Claimant agree,

Stipulation of Settlement
United States v. \$3,600, et al., 11-CV-5194 (BMC)

understand, and acknowledge that none of the parties to this Stipulation of Settlement admit or acknowledge any liability whatsoever to the other and, further, that the parties specifically deny any such liability. Neither this Stipulation of Settlement nor any payment hereunder is to be construed as an admission of liability by either party.

6. Claimant agrees to release, remise and forever discharge, plaintiff United States of America and its agencies, agents, officers, and employees, past and present, from all claims or causes of action which Claimant and its heirs, agents, assigns, representatives, and successors ever had, now have, or hereafter may have against plaintiff and its agencies, agents, officers, and employees, past and present, for or on account of the commencement of this action, the seizure, restraint and forfeiture of the Defendant Funds, and the settlement of this action.

7. Claimant waives his rights, if any, to use the instant action or its settlement as a basis for any statutory or constitutional defense, including, without limitation, defenses based upon the Double Jeopardy Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment in any other civil, criminal or administrative action.

8. The parties agree that each party shall bear its

own costs and attorney's fees, and Claimant further agrees to waive any and all rights it has to recover attorney's fees under the Equal Access to Justice Act, the Civil Asset Forfeiture Reform Act, or any other legal or statutory bases.

9. Claimant shall send to counsel for the United States of America the executed Stipulation of Settlement. Upon receipt thereof, and upon the completion of publication, counsel for the United States of America shall submit to the Court a proposed Decree of Forfeiture and Order for Delivery: (a) forfeiting the Forfeited Funds to the United States; (b) returning to Claimant the sum of \$15,280.00; (c) vacating the warrant of arrest previously served upon the Claimant in this action; and (d) concluding this civil action.

10. The District Court shall retain jurisdiction of this action to enforce this settlement.

Dated: Brooklyn, New York
December , 2011

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
Attorney for Plaintiff
271 Cadman Plaza East, 7th Fl.
Brooklyn, New York 11201

By: _____

TANYA Y. HILL
Assistant U.S. Attorney
(718) 254-6144

Dated: New York, New York

Stipulation of Settlement
United States v. \$3,600 et al., 11-CV-5194 (BMC)

December , 2011

Carlos Gonzalez, Esq.
Attorney for Claimant
Jorge L. Rivera Rodriguez
380 Lexington Ave, 17th Floor
New York, New York 10168

By: _____

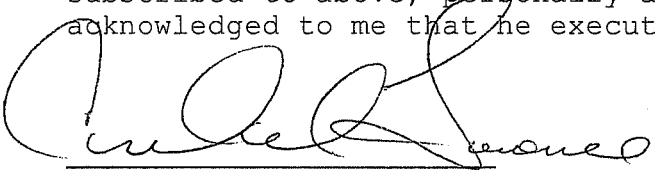
CARLOS GONZALEZ, ESQ.
(212) 405-2234

Dated: _____, New York
December _____, 2011



JORGE L. RIVERA RODRIGUEZ
Claimant

On the 21 day of December in the year 2011, Jorge L. Rivera Rodriguez, known to me, the undersigned, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to above, personally appeared before me and acknowledged to me that he executed the foregoing document.



NOTARY PUBLIC

CANALICIO TORRANCE
Notary Public, State of New York
No. 01T06082731
Qualified in Bronx County
Commission Expires November 4, 2014

Stipulation of Settlement
United States v. \$3,600 et al., 11-CV-5194 (BMC)